

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OLUSEYI ADENIJI,

Plaintiff,

-against-

NEW YORK STATE COMPTROLLER
OFFICE,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/9/2020

18-CV-0761 (PAE) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed plaintiff's letter-application dated January 3, 2020 (Dkt. No. 48), requesting the Court's intervention "in response to Defendant Counsel refusal to make an offer during the mediation process." *Id.* Attached to plaintiff's letter is a pro se Employment Discrimination Complaint form (Dkt. No. 48-1), which does not appear to amend the complaint, but complains in the "Facts" section that defense counsel "did not make an offer" at mediation, and asks this Court to "overturn" that refusal. *Id.* at ECF page 3. Also attached are 28 pages of documents, including unredacted lists containing the names and civil service exam scores of approximately 500 non-party applicants for New York State civil service jobs, *see id.* at ECF pages 6-33, which according to plaintiff demonstrate "the inconsistent process of job appointment regarding eligibility established by the defendant." *Id.* at ECF page 3.

To the extent plaintiff seeks an order from this Court requiring defendants to make him a settlement offer, his letter-application is DENIED. Settlement is a voluntary undertaking. In this case, the assigned mediator reported, on December 5, 2019, that the mediation was held but was unsuccessful. (Dkt. No. 47.) The mediator did not report that defendant failed or refused to attend or participate in the mediation. *See* Procedures of the Mediation Program § 12(a) (available at <https://nysd.uscourts.gov/programs/mediation-adr>).

The mediation having been unsuccessful, it is hereby ORDERED that the parties proceed with all remaining discovery, the deadline for which remains February 28, 2020. (*See* Dkt. No. 44.)

It is further ORDERED that the attachment to plaintiff's January 3 Letter (Dkt. No. 48-1) be SEALED because it includes discovery material, unrelated to any pending motion, which contains potentially sensitive personal information about non-parties.

Plaintiff is reminded that the Court's Employment Discrimination Complaint form is designed for a plaintiff's use when filing or amending his complaint, not when making a pretrial motion. The Court's Motions Guide for Pro Se Litigants (available at <https://nysd.uscourts.gov/node/821>) provides instruction on how to make a motion.

The Clerk of Court is respectfully directed to electronically seal Dkt. No. 48-1, rendering it accessible to the parties and the Court only, and to mail a copy of this Order to plaintiff.

Dated: New York, New York
January 9, 2020

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge